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Letter dated 18 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 12 April 2002 (S/2002/462).

The Counter-Terrorism Committee has received the attached supplementary report from the Philippines, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant
to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 5 July 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Philippines to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Upon instructions of my Government and in pursuance of your letter of 18 April 2002 concerning the implementation of resolution 1373 (2001), I have the honour to submit herewith the Philippine Supplementary Report (second report) on action and initiatives undertaken by the Philippines against domestic and international terrorism (see enclosure).

I shall be grateful if you would circulate this letter and its enclosure as a Security Council document on counter-terrorism.

(*Signed*) Enrique A. **Manalo**
Chargé d'affaires a.i.

Enclosure

PHILIPPINE SUPPLEMENTARY REPORT (2ND REPORT) ON ACTION AND INITIATIVES AGAINST DOMESTIC AND INTERNATIONAL TERRORISM*

A Report to the Security Council
Counter-Terrorism Committee
in compliance with paragraph 6 of
UN Security Council Resolution 1373 (2001)

* The annexes are on file with the Secretariat and are available for consultation.

PHILIPPINE SUPPLEMENTARY REPORT ON ACTION AND INITIATIVES AGAINST DOMESTIC AND INTERNATIONAL TERRORISM

PROVIDING REPLIES TO THE QUESTIONS / CLARIFICATIONS FROM THE SECURITY COUNCIL COUNTER TERRORISM COMMITTEE, PURSUANT TO PARAGRAPH 6 OF UN SECURITY COUNCIL RESOLUTION 1373 (2001):

Questions relating to Subparagraphs 1 (a) and (b) – The offenses and supervisory mechanism provided for in the Anti-Money Laundering Act of 2001 (AMLA) mentioned in the report appear to be comprehensive in relation to transactions involving funds derived from criminal activity. However, they do not seem to touch on the use, or intended use of funds and other economic resources, whether derived from lawful or unlawful activity, for purposes connected with the terrorism, in particular, or other criminal activity. Does the proposed legislation to amend the bank secrecy laws (BSA) address this need?

During the 28 January 2002 meeting between the Chair of the Philippine Securities and Exchange Commission and the Asia Pacific Review Group of the FATF in Hong Kong, when the issue was raised on the narrow range of offenses, the Philippines clarified that, *although the Act mentions only 14 categories of predicate crimes, the entire scope of unlawful activity actually covers 116 predicate crimes subsumed in various Philippine laws.*

In response to the FATF panel's request for clarification on the meaning of Section 4 of the Act, the Philippine delegation explained that establishing criminal intent is necessary under the Philippine criminal system; however, the same principle is immaterial under special law, as mere knowledge would suffice.

[The Philippine position paper submitted to the FATF on 11 January 2002 dealing with elements of the crime of money laundering is enclosed, for reference].

The AMLA has, in fact, amended the BSA by empowering the Anti-Money Laundering Council (AMLC) to seek court authority to inquire into bank deposits and investments in government bonds, the two accounts covered by the BSA. Whereas before, a case had to be filed in court where the accounts are subject of litigation, the AMLA now allows the filing of the petition to inquire prior to the institutions of any court case. AMLC has to determine only probable cause that the funds in subject accounts are in any way related to an unlawful activity. The draft bill on anti-terrorism and terrorist financing also provide the same provision.

Secondly, as to the comment that the AMLA "does not seem to touch on the use, intended use of funds and other economic resources, whether derived from an unlawful or unlawful activity", the law specifically provides a definition for money laundering offenses under Section 4 of the law. The operative words under the AMLA describing a money laundering offense are "*whereby the proceeds of an*

unlawful activity are transacted, thereby making them appear to have originated from legitimate sources."

The law is clear that there must be an unlawful activity that produces the proceeds. Once the relationship between the unlawful activity and the proceeds, whether they be real or personal property, is established, there is probable cause for the AMLC to exercise its powers under the law. These powers includes the freezing of the account, petitioning the court for authority to inquire, investigating the account for a case build-up and subsequently filing the criminal complaint before the Department of Justice or the Ombudsman, as the case may be. The situation envisioned here is one where the proceeds are the result of the unlawful activity. The money comes after the unlawful activity.

The comment, on the other hand, provides for a situation where legitimate money is used to fund unlawful activity. Hence, the money comes *before* the unlawful activity.

This issue is seen to be particularly relevant to acts of terrorism and terrorist financing. As mentioned, the Philippines is still in the process of having its anti-terrorism and terrorist financing laws enacted and the draft bill now under deliberation in the House of Representatives criminalizes terrorist financing, as follows:

> ***"Financing of Terrorism – It shall be unlawful for any person, group, organization or entity to knowingly provide, collect or hold or possess properties or other financial means; to assist in the provision of property or finances; or facilitate in any way the provision of property or financial and related services for the purpose of facilitating or carrying out any terrorist activity."***

Could the Philippines please also describe how the relevant provisions ensure that the funds intended for the financing of terrorism are not transferred through charitable, religious or cultural organizations.

The AMLC is authorized to initiate investigations on the basis of covered transaction reports and suspicious transaction reports by covered institutions or government referrals of their investigative findings of any unlawful activity enumerated under the AMLA. Once the AMLC finds probable cause that the funds are related to the unlawful activity, it can exercise its powers to freeze and inquire, the latter power to be exercised upon court order where the account is a bank deposit or investment in government fund. Any account, other than the two aforementioned, is subject to a mere administrative inquiry by the AMLC or the agency exercising regulatory powers over the charitable, religious or cultural organization, which in this case is the Securities and Exchange Commission (SEC). The SEC can revoke the registration of the subject organization and, should it find violations or criminal laws, it can file a criminal complaint against the organization's incorporators, directors, officers and employees responsible for the violation before the Department of Justice.

Once the anti-terrorism and terrorist financing law is enacted, it will provide additional measures and deterrents to ensure that charitable, religious or cultural organizations are not used to fund terrorist activities.

Subparagraph 1 (c) – Does the AMLA include the freezing of assets from legitimate sources that are suspected of being intended for criminal, especially terrorist, purposes? Is there any other provision in Philippine law that deals with this question? If not, what are the plans of the Philippine Government in this regard?

Please refer to answer in Subparagraph 1 (a).

The CTC looks forward to receiving information on action taken under the existing legislation, as promised in the report.

The Philippine Government is still consolidating specific cases where the AMLA was used in freezing accounts and assets at banks and financing institutions. The consolidated report will be submitted in a third report.

Subparagraph 1 (d) – As mentioned above, the AMLA does not seem to deal with the destination, as distinct from the origin, of funds and other assets. Furthermore, the proposed Anti-Terrorism Act does not deal with the question of the financing of terrorism. Is there any provision in Philippine law that deals with this question and, if not, what are the plans of the Philippine government in that regard?

The draft bills now under public hearing in the House of Representatives chaired by the Committee on Justice criminalizes both terrorism and terrorist financing.

At present, the AMLA, under its mutual assistance provisions, allows the AMLC to trace the destination of funds suspected or reasonably believed to be related to unlawful activities, by making a request for assistance to foreign jurisdictions. As to funds within the Philippines, the power of the AMLC to petition the court for authority to inquire into accounts suspected of being used for money laundering likewise allows the AMLC to trace their destination.

In the interim that the terrorism and terrorist financing bills are still under deliberation in Congress, pending their enactment into law, the AMLA has provided under its list of predicate crimes and unlawful activities for money laundering offenses, *"hijacking, destructive arson and murder, including those perpetrated by terrorists against non-combatant persons and similar targets."*

Questions relating to sub-paragraph 2 (a) – Please outline the relevant provisions of the laws mentioned in paragraph 7-9 of the report. Please describe how those laws can be applied in the context of transnational terrorism, as compared with the purposes for which those laws were originally enacted. Please focus, in particular, on the means by which

they prohibit recruitment to terrorist groups and the supply of weapons to terrorists. Please provide examples of any successful prosecutions brought under the existing laws against individuals who have carried out terrorist activities in the Philippines or used Philippine territory to carry out terrorist activities abroad.

Please outline the legislation and other measures which exist to ensure that firearms remain within the possession and control of the Armed Forces, enforcement agencies and other institutions lawfully entitled to possess and use such weapons.

Full text of R.A. 6235 and R.A. 6190 have been provided to the CTC. The full texts of the following laws, legal and administrative provisions, which are self-explanatory in their provisions, are included as *ANNEX A*:

PD 1866 as amended by R.A. 8294
Philippine Immigration Act of 1940
Republic Act No. 8799 – the Securities Regulation Code
PD No. 1829
Batas Pambansa Bilang (No.) 39
Revised Administrative Code (RAC) Sec. 897
RAC Sec. 878
RAC Sec. 883
Standard Operating Procedure No. 04
Standard Operating Procedure No. 13
Memorandum for the Secretary of Interior and Local Government recommending the phase-out of the use, manufacture or sale of *Paltik* (home-made) Firearms
PNP Circular No. 5 – Disposition of Captured, Confiscated, Surrendered and Deposited Firearms, Ammunition and Explosives dated 05 September 1994
EO No. 110
EO No. 145 amending EO No. 386
Relevant provisions of the revised Penal Code or Republic Act 3815
Commonwealth Act No. 616

Questions relating to subparagraph 2 (b) – What is the scope of the bilateral agreements mentioned in relation to this sub-paragraph and with which countries have they been concluded?

During H.E. President Gloria Macapagal Arroyo's Working Visit to Malaysia in May 2002, the Philippines, along with Indonesia and Malaysia signed the Agreement on Information Exchange and Communications Procedures (*ANNEX B*). The Agreement will help all three countries to cooperate in preventing the utilization by anyone of their land-air-sea territories for the purpose of committing or furthering of terrorism, money laundering, smuggling, piracy or robbery at sea, hijacking, illegal entry, drug trafficking, marine pollution and illicit trafficking in small arms. The list includes the establishment of standard operating procedures on search and rescue, the setting up of hotlines, the sharing of airline passenger lists, the strengthening of border control, and the conduct of joint training and exercises to combat terrorism and other transnational crimes.

Subparagraphs 2 (c) and (d) – The CTC looks forward to receiving further examples of cooperation with other States, and of action taken to prevent the use of Philippine territory for terrorist activities against other States, in the promised supplementary report. It would also welcome an indication of the specific legal authority for the action taken.

The following are examples of recent actions taken to deny safe haven to terrorists:

The simultaneous arrest of 1) Mohamed Elgabry @ Mohammmad Sabry @ As' Ad Abd Al (Jasbir) @ Muftah Abughara @ Muhamad Sabri @ Mouhammad Sabri Salemah @ Hatim Muhammad Ali (Sabri) @ Nabil Mahmud Hasan, Libyan national, 2) Ahmad Abed Masrie @ Ahmad Masria/Masre/Masri/Masria @ Ahmad Abed Bin Masrie, Palestinian national, 3) Hussam Al Ddeen H. (Ali), Jordanian national on November 23, 2001 in the Simuay Crossing, Sultan Kudarat, Maguindanao province and in Manila in coordination with the intelligence units of the PNP and AFP. These persons are now under the custody of the PNP.

The arrest of Al Ghoul Hadi Yousef, Jordanian national on January 11, 2002 at Balanga, Bataan province in coordination with PNP elements. He is now in the PNP's custody.

The Philippines also prevents terrorists from using its territory in carrying out terrorist acts against other states or their citizens. This was recently illustrated through the arrest last January 15, 2002 in Quiapo, Manila by combined government forces of one Fathur Rahman Al-Ghozi, an Indonesian national, and the capture of several explosive components, fictitious travel and identification documents. Subject is believed to be a key member of the Jemaah Islamiya (JI) in Malaysia, with organized terrorist cells and linkages in the Philippines and Singapore, where the group planned to undertake bombing operations against the U.S. and Israeli embassies, the Australian and British High Commissions, American business establishments, and local military facilities of Singapore. He is now under the custody of the PNP.

Also, the arrest on 21 November 2001 of three terrorists, identified as 1) Vingh Tan Nguyen, 2) Huynh Ngoc Thuan, both Vietnamese-American nationals; and 3) Ito Makoto, Japanese national, involved in bombing activities in Bangkok, Thailand. The arrests were done in coordination with elements of the PNP. Subjects are now detained in Philippine detention facilities.

The legal authority for the action taken by Philippine law enforces in the arrest of the above emanates from various Philippine laws and ordinances, such as illegal possession of firearms, illegal possession of explosives, illegal entry into the country, and others.

Subparagraph 2 (e) – Please clarify whether the reference in relation to this sub-paragraph to extradition procedures would be more appropriate in relation to sub-paragraph 2 (f). Please also clarify whether the references to Annex J should refer to

Annex K (and, in particular, the proposed Anti-Terrorist Act). Please provide a progress report on the passage of that Act, which appears to have been introduced into the Parliament in 1996.

The scope of the proposed Anti-Terrorist Act seems to be confined to terrorism within the territory of the Philippines and not to extend to preparatory acts (for example, the raising of money or the collection and storage of arms) carried out in the Philippines in relation to terrorist acts carried out, or proposed to be carried out, outside its territory. Does the Government have plans to extend the operation of the proposed Act to such circumstances?

What is the extent of the competence of the courts of the Philippines to deal with terrorist acts, or preparations for terrorist acts, that occur outside the Philippines? Please outline the relevant laws or regulations. Please clarify whether a preparatory act of the kind mentioned above gives rise to an offence in the Philippines, even when the terrorist act has been carried out in another country by and against persons who are not nationals or residents of the Philippines.

As indicated in the Philippine report, there is yet no law defining terrorism in the Philippines and providing penalties. This is the reason R.A. 6190 was referred to in the Philippine Report (Annex J). Information provided in relation to subparagraph 2 (e) is also relevant in relation to subparagraph 2 (f).

The House version of the two Senate Bills provided earlier in the initial report, is House Bill 3802 in the current 12th Congress (First Regular Session) which is entitled "An Act Defining Terrorism, Providing Penalties Therefor and for Other Purposes." Enclosed (*ANNEX C*) is a copy of the House Bill.

As to the competence of Philippine courts to deal with terrorist acts, or preparations for terrorist acts, these will be contained in a follow-up third report.

Subparagraph 2 (f) – What is the scope of the bilateral agreements mentioned in relation to this sub-paragraph and with which countries have they been concluded?

Two agreements are highlighted (*ANNEX D*):

1) **Philippines-Thailand Cooperation Agreement on the Prevention and Fight against Criminal Activities**
Signed in Bangkok on 18 December 1998
Ratified by the Philippines on 12 April 1999
Entered into force on 30 April 1999

2) **Philippines-Vietnam Cooperation Agreement on the Prevention and Fight Against Criminal Activities**
Signed in Hanoi on 17 December 1998
Ratified by the Philippines on 09 July 2001
Entered into Force on 17 July 2001

Subparagraph 2 (g) – Please outline the provisions of the various laws and international agreements mentioned in relation to this sub-paragraph. Please indicate how they control the movement of terrorists.

Please describe the practical measures taken or proposed to prevent the forgery of passports and other relevant documentation.

Enclosed (*ANNEX E*) are copies of the agreements mentioned.

Brief background:

In 1967, the Philippines and Malaysia signed an "Agreement on Anti-Smuggling". In March 1995, the 2nd meeting of the Philippines-Malaysia Joint Commission for Bilateral Cooperation (JCM) signed a "Second Protocol" amending the said agreement. This agreement serves as the foundation for the existing Philippines-Malaysia border crossing/border patrol cooperation.

The Philippines and Malaysia have institutionalized border crossing and border patrol cooperation mechanisms under the ambit of the Joint Committee on Border Cooperation (JCBC) established in 1993.

The objective is to promote border cooperation for the purpose of facilitating and regulating the movement of people and goods in the border areas between the two countries as well as to address cross-border crimes such as drug trafficking, hijacking, illegal entry, piracy, smuggling, theft of marine resources, and marine pollution.

The JCBC, in its inaugural meeting in May 1994, recommended the establishment of the Border Patrol Coordinating Group (BPCG). A Working Group on Border Crossing (WGBC) was established under the ambit of the JCBC.

The establishment of the BPCG resulted in the setting up of the Philippine-Malaysia Coordinated Border Patrol Operations (PHIMAL), which conducted its first joint RP-Malaysia naval patrol operations on 12-21 November 1995. It has conducted seven (7) joint operations since its inception.

PHIMAL's objectives are as follows: a) to promote goodwill and friendship between the navies of the law enforcement agencies of the Philippines and Malaysia; b) to test and validate existing naval and maritime law enforcement procedures and doctrines adopted by both countries; and c) to enhance the safety and security of the border area through coordinated border patrol operations.

The WGBC also acts as a comprehensive forum for discussion on border cooperation initiatives between the Philippines and Malaysia. The objective is to promote border cooperation for the purpose of facilitating and regulating the movement of people and goods in the border areas between the two countries. It has held six (6) meetings since its inception in May 1994.

Update on actions taken (Border Crossing):

On 28 February 2000, the 6th Meeting of the WGBC was held in Kuala Lumpur. The Meeting agreed to the following: a) exchange of copies of their respective dummies of border crossing pass through diplomatic channels by 31 May 2000; b) the exchange of comments on the dummies of the border passes, with a view to finalizing the format by 31 August 2000; and c) the tentative date for the implementation of the border crossing pass would be 01 January 2001.

The 6th WGBC meeting likewise agreed to the following: a) to open the border crossing stations in Sandakan in the case of Malaysia, and Bongao in the case of the Philippines; b) that the tentative date for the full operation of both border crossing stations is 01 January 2001 or at an earlier date mutually agreed upon by both sides; c) that the other border stations, namely, Labuan in Malaysia, and Balabac or Taganak in the Philippines would be considered for opening in the future; and d) approved the Terms of Reference (TOR) of the WGBC.

The opening and full operationalization of border crossing stations has been postponed from the original target date of 01 January 2001, as both countries are still in the process of finalizing the format of the border crossing pass.

The two countries may be able to finalize the format of the border crossing pass, and thereby set the opening of the border crossing stations, at the 5th Philippines-Malaysia Joint Commission Meeting, tentatively scheduled in September 2002.

(Border Patrol):

The BPCG has held nine (9) meetings so far. The last meeting of the BPCG was held from 14 to 17 March 2002 in Davao City. The 9th BPCG meeting decided to hold the 7th PHIMAL Operations in May 2002, among others.

On 9-21 May 2002, the 7th PHIMAL Operations were jointly conducted by the Philippine and Malaysian navies. The opening ceremony was held in Sandakan, Sabah from 9 to 12 May while the closing ceremony was held in Zamboanga City on 20 May 2002. (The results of these operations are not yet available).

During the 8th BPCG Meeting held in Kota Kinabalu from 12 to 15 February 2001, it reached the following decisions:

- **to expand the area of operations of the joint border patrol exercise;**
- **to endorse the possibility of establishing a trilateral border patrol cooperation with Indonesia; and**
- **to create a BPCG network to facilitate easy and quick communication among members.**

The 4th PHIMAL Operations resulted in the apprehension of several Malaysian and Filipino fishing boats/vessels engaged in various illegal activities. The Maritime Group, a PNP-led group, conducted operations in 1999 which resulted in the

arrest/apprehension of 12,359 individuals, the recovery/confiscation of goods amounting to Philippine Pesos 42,653,728.00, and the collection by the Local Government Units (LGUs) of administrative fines in the amount of Philippine Pesos 1,154,384.00.

Brief background: RP-Indonesia

The Border Patrol and Border Crossing Agreements between the Philippines and Indonesia was realized in order to enforce effectively the Border Patrol Operations and Border Crossing Activities in the common boundaries of both countries, and to cause the expeditious disposition of the guidelines set forth by the agreements.

In consonance with these agreements, a Border Committee was created in their respective territory to oversee the implementation of the Agreements and srve as a consultative machinery in identifying problems resulting from the implementation and propose amendments to the existing provisions. These committees jointly meet annually to discuss the progress of operations and provisions as well as problems encountered from the implementation of the agreements. Its Secretariat is located at Sasa, Davao City, Philippines and Manado, North Sulawesi, Indonesia, respectively.

Functions:

- **To conduct border patrol operations in the border areas to deter illegal activities as enumerated and defined in the border Patrol Agreement and other acts inimical to the national interest of both countries.**
- **To establish an expeditious and simplified system of control for the entry of qualified border entrants.**
- **To oversee the exclusion, apprehension, deportation and repatriation of illegal entrants.**

Organization/Composition:

The Philippines is chaired by the Commander Southern Command and assisted by the Commander of the Naval Forces South. The members are composed of representatives from the Department of Finance, Customs Collector from the Port of Davao; Department of Justice, Alien Control Officer, Davao; Department of Foreign Affairs, the Chief of the Treaties Division and the Department of National Defense, Plans and Programs.

The Indonesian side is chaired by the Pangkowilhan III and assisted by the Pandaeral. The members are representatives of their Customs, Immigration, Internal Affairs and Defense.

There are six (6) Border Crossing Stations which serve as processing points for border entrants. The RP Border Crossing Stations are situated at Mabila, Balut, Davao del Sur; Cape San Agustin (Nangan), Davao Oriental and Bongao, Tawi-Tawi, while the Indonesian Border Crossing Stations are at Marore, Miangas and

Tarakan, Indonesia. Presently, all the Border Crossing Stations are manned by personnel from the Navies of both countries.

Salient features: Border Patrol Agreement

Both countries reaffirmed the objectives of the "Revised Agreement on Direct Liaison and Coordinated Patrol Operations in ALL Areas between the Philippines and Indonesia" signed on July 25, 1963. It also recognized the desirability to enforce more effective border patrol operations in the areas between the territories of both countries in order to strengthen the enforcement of laws in the border areas governing offenses which undermine the security of either state and to cause expeditious disposition of cases arising therefrom.

Article I (Border Patrol) stipulates that both countries shall conduct border patrol operations to ensure that the border territories, waters and airspace of both countries are not utilized as routes or staging areas for illegal activities or as places of refuge for persons who commit offenses against the security of either state.

Patrols to be carried out may take any of the following forms:

- **Combined operations for a single mission when needed and with a jointly appointed Commanding Officer**
- **Joint Patrols for a certain period, with a jointly appointed Commanding Officer**
- **Coordinated Patrols are carried out continuously with respective Parties' Commanding Officers**

Article V emphasized on the maximum exchange of information, intelligence and publications, which will be undertaken by both countries in accordance with the Intelligence Exchange Procedure set forth in the agreement. And further in Article VI, it directs the establishment of communication procedures, land-based communication stations and standardization of communication equipment.

Relative tot his, the Deputy Chief of Staff for Intelligence, J2, AFP and the Indonesian National Defense Forces, Strategic Intelligence Agency (BAIS, TNI) conducts annual bilateral intelligence exchange (Intelex) conferences to enhance cooperation and maintain cordial relations between the armed forces of both countries. The 28th AFP-TNI Intelex was held last 24-27 September 2001 in Jakarta, Indonesia.

Salient features: Border Crossing Agreement

The Agreement aims to establish a system of control for the entry and exit of both nationals, vessels and goods of each other's territory. It contains an annex known as the Border Crossing System, which has for its salient features the delineation of the border areas, residency requirements, limitation of purpose and stay and the establishment of checkpoints through border crossing stations.

Notably, this Agreement stipulates that nationals of both parties in the border area may enter and travel within the corresponding border area of the other for purpose

regulations. It enumerates the Border Crossing Issuing Card Stations and Border Areas of each territory.

Jointly, the Border Committee of the Philippines and Indonesia had already met and conducted twenty-two (22) and fifteen (15) joint/coordinated patrol operations hosted alternately between the two countries.

The role of the Bureau of Immigration:

The Bureau of Immigration is continuously conducting monitoring and profiling activities in Philippine airports and sub-ports to prevent the entry of suspected terrorists in the country. Intensive intelligence operations are also being conducted to check on suspected terrorists who may be in the Philippines at present.

Deterrents to falsification of passports and other relevant documents:

Please refer to Revised Penal Code Provisions (*ANNEX F*) on forgery/falsification and other fraudulent activities, specifically covered under Title Four Chapter 1 (Forgeries) and Chapter 3 (Frauds). The Immigration Act of 1940 provides penalties for any individual who, when applying for an immigration document, impersonates another individual, or falsely appears in the name of a deceased individual, or evades immigration laws by appearing under an assumed or fictitious name. If he is an alien, he will be penalized for entering the Philippines without inspection and admission by the immigration officials, or obtains entry into the country by willful, false, or misleading representation or willful concealment of a material. These provisions act as a deterrent in preventing the falsification of documents.

Enclosed (*ANNEX G*) is a copy of Republic Act 8239, the "Philippine Passport Act of 1996" and a copy of the requirements for application and renewal of a Philippine passport.

Questions relating to subparagraph 3 (b) – With which countries has the Philippines concluded bilateral treaties on mutual assistance in criminal matters?

The Philippines has an existing Mutual Legal Assistance Treaty with the United States of America (*ANNEX H*), which was signed in Manila on 13 November 1994 and entered into force on 22 November 1996.

Subparagraphs 3 (c), (d) and (e) – What progress has been made in giving effect in domestic law to the various international conventions and protocols relating to terrorism that the Philippines has signed, as listed in the report under this item? The CTC would appreciate further reports from time to time on the progress made.

Have the crimes mentioned in the relevant international conventions and protocols been included as extraditable offenses in the bilateral treaties to which the Philippines is a party?

The Philippines has extradition treaties with Australia, Canada, China, Hong Kong, Indonesia, Republic of Korea, Micronesia, Switzerland, Thailand and the U.S.

The Philippines, Indonesia and Malaysia have an existing Agreement on Information Exchange and Establishment of Communication Procedures.

House Bill 3802 includes acts mentioned under various anti-terrorism conventions signed by the Philippines as crimes of terrorism.

Subparagraph 3 (f) and (g) – The CTC notes that the sub-paragraphs are to be addressed in the follow-up report.

Please could the Philippines indicate whether it is possible under Philippine law for requests for extradition of alleged terrorists to be refused on political grounds.

Section 6 of Department Order (D.O.) No. 94 of the Department of Justice dated 04 March 1998 entitled, "Establishing a Procedure for Processing Applications for the Grant of Refugee Status" (*ANNEX I*) provides parameters for the granting of refugee status in the Philippines. Refugee status shall not be granted if the applicant is proven to have committed:

- **a) a crime against peace, a war crime or a crime against humanity as defined in the international instruments drawn up to make provision in respect of such cases;**
- **b) a serious non-political crime prior o entry into the Philippines; or**
- **c) an act contrary to the purposes and principles of the United Nations**

The Secretary of Justice shall interview the applicant to determine the veracity of the allegations in the application. The Secretary of Justice shall notify the Commissioner, Bureau of Immigration in writing that the application has been given due course. Upon receipt of the notice that an application has been given due course, the Commissioner, Bureau of Immigration shall suspend all cases for the deportation or exclusion of the applicant that are being undertaken by the Bureau (Section 13 of D.O. 94).

Under Section 15 of D.O. 94, the applicant shall be required to provide in the interview all relevant and true information to prove his claim. Any person included in the application may present evidence to support the claim.

Under D.O. 94, the Secretary of Justice shall decide on an application within thirty (30) days after the last date of the interview unless further inquiry is required. If an application is disapproved upon grounds that are established under D.O. 94, any pending immigration case against the applicant which was suspended pursuant to Section 13 of D.O. 94 shall be automatically reactivated and the applicant may be re-arrested and placed in detention.

Under Section 23 of D.O. 94, the refugee status granted to an applicant shall be revoked by the Secretary of Justice if he finds, after investigation, that such status was obtained through willful misrepresentation of material facts.

Please refer to the extradition treaties the Philippines has with Australia, Canada, China, Hong Kong, Indonesia, Republic of Korea, Micronesia, Switzerland, Thailand and the U.S.

Other matters

The organizational chart of the Philippines' administrative machinery, such as police and immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution, will be furnished in the third report.

Philippine Supplementary Report (2nd Report)
On Action and Initiatives Against Domestic and
International Terrorism

List of Annexes

A. Position Paper of the Philippines Presented to the Financial Action Task Force (FATF) – FATF Plenary Meeting 30 January to 1 February 2002

   Sub-Annexes:

   1. Presidential Decree No. 1866
   2. Commonwealth Act No. 613 – An Act to Control and Regulate the Immigration of Aliens into the Philippines
   3. Republic Act No. 8799 – Securities Regulation Code
   4. Presidential Decree No. 1829
   5. Batas Pambansa Bldg. 39 – An Act Regulating the Activities and Requiring the Registration of Foreign Agents in the Philippines
   6. Revised Administrative Code (Basic Firearms Law –Section 878)
   7. Standing Operating Procedure No. 04 (Control and Supervision of the Importation, Sale and Possession and Use of Explosives)
   8. Standing Operating Procedure No. 13 (Licensing of Firearms)
   9. Captured, Confiscated, Surrendered and Deposited (CCSD) Firearms and Phase out Paltik
   10. Captured, Confiscated, Surrendered and Deposited (CCSD) and Phase Out Firearms PNP Circular No.5
   11. Executive Order No. 110 – Directing the Philippine National Police To Support the Armed Forces of the Philippines in Internal Security Operations for the Suppression of Insurgency and Other Serious Threats to National Security
   12. Executive Order No. 145 – Amending Executive Order No. 386 dated 19 December 1989, Establishing a National Crime Information System (NCIS), Providing the Mechanics Therefore and For Other Similar Purposes
   13. Revised Penal Code (Chapter One: Crimes Against National Security)
   14. Espionage Law Appendix "CC" – Anti- Deadly Arrow Law (R.A. 3553)
       Appendix "DD" – Espionage Law (C.A. No. 616)

B. Agreement on Information Exchange and Establishment of Communication Procedures Signed by Philippines, Indonesia and Malaysia
C. House Bill No. 3802 – An Act Defining Terrorism, Providing Penalties Therefore and For Other Purposes

D. Agreement on Cooperation Between the Government of the Republic of the Philippines and the Government of the Kingdom of Thailand on the Prevention and Fight Against Criminal Activities

E. Agreement on Anti-Smuggling Cooperation Between the Government of Malaysia and the Government of the Republic of the Philippines;
Border Patrol Agreement Between the Government of the Republic of the Philippines and the Government of the Republic of Indonesia

F. Crime Against Public Interest (Forgeries)

G. Republic Act No. 8239 – Philippine Passport Act of 1996

H. Treaty Between the Government of the Republic of the Philippines and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters

I. Department Order No. 94 – Establishing a Procedure for Processing Applications for the Grant of Refugee Status